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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,150	01/29/2001	Jun Nagai	450100-02953	8684
20999	7590	01/24/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			COUSO, YON JUNG	
			ART UNIT	PAPER NUMBER
			2625	
DATE MAILED: 01/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/772,150	Applicant(s) NAGAI ET AL.	
	Examiner Yon Couso	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13,39-44 and 49-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13,39-44 and 49-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9, 12, 13, 39-42, 49, 50, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Katayama et al (US Patent No. 5,668,646).

As per claims 1 and 2, Katayama teaches a digital picture signal processing apparatus, comprising: receiving means for receiving a captured picture signal (1 in figure 1); picture processing means for processing the received picture signal (2 in figure 1); mode designating means for generating a signal that designates the processing of the received picture signal into first mode or second mode (2 in figure 1); determining means for determining whether the received picture signal is a natural image or a text image (2 in figure 1 and column 5, lines 57-65), wherein the first mode is designated when the received picture signal is determined to be the natural image, and the second mode is designated when the received picture signal is determined to be the text image (7 and 8 in figure 1 and column 5, line 57-column 6, line 53); and digitizing means for digitizing the received picture signal using 256 gray scales or 512 gray scales when the first mode is designated, and using two grayscales when the second mode is designated (column 12, lines 7-35).

As per claims 3 and 39, Katayama teaches the captured picture signal is a color picture signal (column 4, lines 58-61).

As per claims 4 and 40, Katayama teaches the non-inversible encoding method is performed by compressing the digitized picture signal corresponding to an orthogonal transforming process and an entropy encoding process (8 in figure 1 and column 6, lines 14-22).

As per claims 5 and 41, Katayama teaches the inversible encoding method is performed by registering a pattern of any length of a data stream to a dictionary and outputting a registered number as an encoded output signal when the same pattern takes place (7 in figure 1 and column 6, lines 50-53).

As per claims 6 and 42, Katayama teaches the compression means converts the first compressed picture data and the second compressed picture data into respective files (9 in figure 1).

As per claim 9, Katayama teaches reproducing means for reproducing the compressed picture signal recorded on the record medium, wherein the picture apparatus decompresses the reproduced compressed picture signal, generates a reproduced picture, and displays the reproduced picture (figure 8).

As per claim 12, Katayama teaches a digital picture signal processing method, comprising: receiving a captured picture signal (1 in figure 1); processing the received picture signal (2 in figure 1); generating a signal that designates the processing of the received picture signal into a first mode or a second mode (2 in figure 1); determining whether the received picture signal is a natural image or a text image (2 in figure 1 and

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column 5, lines 57-65), wherein the first mode is designated when the received picture signal is determined to be the natural image and the second mode is designated when the received picture signal is determined to be the text image (7 and 8 in figure 1 and column 5, line 57-column 6, line 53); and digitizing the received picture signal using 256 gray scales or 512 gray scales when the first mode is designated, and using two gray scales when the second mode is designated (column 12, lines 7-35).

As per claim 13, Katayama teaches a digital picture signal processing method for recording a picture as a digital picture signal to a record medium, comprising: capturing the picture signal and generating a picture signal (1 in figure 1); processing the captured picture signal (2 in figure 1); generating a signal that designates the processing of the captured picture signal into a first mode or a second mode (2 in figure 1); determining whether the captured picture signal is a natural image or a text image (2 in figure 1 and column 5, lines 57-65), wherein the first mode is designated when the captured picture signal is determined to be the natural image and the second mode is designated when the captured picture signal is determined to be the text image (7 and 8 in figure 1 and column 5, line 57-column 6, line 53); and digitizing the received picture signal using 256 gray scales or 512 gray scales when the first mode is designated, and using two gray scales when the second mode is designated (column 12, lines 7-35); compressing the digitized picture signal using a non-inversible encoding method when the first mode is designated, and using an inversible encoding method when the second mode is designated (7 and 8 in figure 1 and column 6, lines 14-22 and 50-53); and recording the compressed picture signal to the recording medium (10 in figure 8).

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As per claim 49, Katayama teaches compression means for compressing the digitized picture signal using a non-inversible encoding method when the first mode is designated, and using an inversible encoding method when the second mode is designated (7 and 8 in figure 1 and column 6, lines 14-22 and 50-53).

As per claims 50 and 51, Katayama teaches the compression means generates first compressed picture data when the first mode is designated, and generates second compressed picture data when the second mode is designated (7 and 8 in figure 1 and column 5, line 57-column 6, line 53).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al in view of Bouton et al (*Inside Adobe Photoshop for Windows*, 1994, "Bouton").

The arguments advanced in paragraph 2 above as to the applicability of the reference are incorporated herein.

As per claim 10, Katayama does not teach details on enlarging means for enlarging the displayed reproduced picture. Bouton discloses in the paragraph bridging pages 58-59, an enlarging means for enlarging the reproduced picture displayed on a displaying means. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Bouton's enlarging means into Katayama's apparatus. The suggestion/motivation for doing so would have been to produce an image with good image size and resolution for printing to a medium-quality publication (Bouton, page 59, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Bouton's enlarging means into Martin's apparatus to obtain the invention as specified in claim 10.

In regards to claim 11, Bouton further discloses on the last line of page 267, a recording means recording the enlarged picture to the record medium.

4. Claims 7, 8, 43, 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al in view of Martin (US Patent No. 6,272,484).

The arguments advanced in paragraph 2 above as to the applicability of the reference are incorporated herein.

As per claims 7, 8, 43, and 44, Katayama does not teach details on converting the second compressed picture data into a GIF (graphics interchange format) file or converting the digitized picture signal into an index value of a GIF color table at a time. Martin discloses in col 7, line 9, the second compressed picture data being converted into a GIF file. Martin further discloses in GIF, col 7, line 9, the picture processing means performing a process for digitizing a digital picture signal and a process for converting the digitized data into an index value of a GIF color table at a time.

It would have been obvious to one of ordinary skill in the art to incorporate graphics interchange format file into Katayama, which deals with compressed graphic data. GIF format is one of many graphic formats available, including JPEG and TIFF. Mere incorporation of one of the old and well-known graphic format into Katayama, which already processes compressed graphic format, would have been not only obvious but also patentably insignificant.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kobayashi is also cited.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the



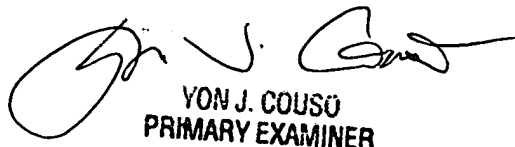
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YJC



YON J. COUSO  
PRIMARY EXAMINER

January 21, 2005